

MEMORANDUM TO MAJOR ASHEY

Aug 23, 1956

SUBJECT: STATUS OF THE ARTILLERY RANGE

Using the large colored map as a reference, the status of the Fort Huachuca artillery range will be determined as follows:

By the correction Deed of 18 April 1950, the United States deeded to the State of Arizona the land commonly referred to as the artillery range which is located east of the main post area. By this deed the lands within the range designated as state school lands (blue) and Department of Interior lands (red) were excepted from the conveyance. Only the brown areas were then actually deeded to the State of Arizona. In the correction Deed there is a clause by which the United States shall have the right during the existence of any national emergency designated by the President of the United States of America, or the Congress thereof, to the full, unrestricted possession, control and use of the premise or any part thereof, without charge. By a letter dated 18 January 1951, the Secretary of the Air Force exercised the above clause over a portion of the artillery range which is shown on the map as the hatched in area. Within this hatched in area of the artillery range, a portion of the land is shown as Department of Interior lands (red) and a small area as state school lands (blue). By a Special Permit, Serial Number Arizona 01110, the Department of Interior granted to the United States Air Force their sections within this hatched in area for use of military purposes for a period from 1 April 1951 to 30 March 1956. No record was found concerning a similar grant over the state school land within the hatched in area.

By a deed of 9 September 1954, the State of Arizona deeded to the United States the hatched in portion of the artillery range with the exception of the land designated as Department of Interior land (red) and state school land (blue). By letter of 8 March 1956, the Secretary of the Army accepted jurisdiction over the hatched in portion of the artillery range which was deeded to the United States from the State of Arizona by the deed of 9 September 1954.

The remaining lands of the artillery range, outside of the hatched in area, are now in the hands of three government agencies; state school lands (blue)

Department of Interior (red) and the State of Arizona (brown). A diligent search of the records of deeds in the County Court House in Cochise County indicates that these lands were held by the named government agencies.

The ^{brown} ~~brown~~ areas of the artillery range, which designates lands of the State of Arizona, are subject to the Correction Deed of 18 April 1950. Therefore, it is in the opinion of the writer that the State of Arizona lands (brown) should be dealt with in accordance with the Correction Deed. It appears by this deed that the land can be acquired by the United States by three possible methods: (1) United States shall have the right during the existence of any national emergency designated by the President of the United States of America, or the Congress thereof, to the full, unrestricted possession, control and use of the premise or any part thereof, without charge; 2) In the event of a breach of any of the conditions and covenants in the deed within a 20 year period from the date of the conveyance, the premise shall revert to the United States at its option; 3) or it can be repurchased because the State of Arizona cannot sell, lease or otherwise dispose of the premises without first obtaining written authorization from the War Assets Administrator or his successor.

The acquisition of the other lands in the artillery range, Department of Interior (red) and state school lands (blue) should be dealt with directly through these agencies.

/s/ William J. Sampias
WILLIAM J. SAMPIAS